

Message Text

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ACTION EUR-25

INFO OCT-01 ADP-00 NIC-01 ACDA-19 CIAE-00 DODE-00 PM-07

H-03 INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01

SS-15 USIA-15 IO-13 MBFR-03 SAJ-01 OMB-01 TRSE-00

EB-11 RSR-01 /144 W

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R 271035Z AUG 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC 7046

INFO AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY PRAGUE

AMEMBASSY WARSAW

AMEMBASSY SOFIA

AMEMBASSY BUDAPEST

AMEMBASSY BUCHAREST

USMISSION BERLIN

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E.O. 11652: N/A

TAGS: PFOR, GW, GE, WB, PGOV

SUBJECT: FRG-GDR TALKS ON LEGAL RELATIONS

REF: BONN 12189

SUMMARY: FIRST MEETING OF FRG-GDR TALKS AIMED AT REACH-
ING AGREEMENT ON LEGAL RELATIONS, AS PROVIDED FOR IN
ARTICLE 7 OF BASIC TREATY AND IN ARTICLE 4 OF SUPPLEMEN-
TARY PROTOCOL OF THE TREATY, TOOK PLACE AUGUST 21. IN
MEETING WITH PRESS, FRG PARTICIPANT WAS GENERALLY RESERV-
ED REGARDING CHANCES FOR SUCCESS, WITH FRG'S RIGHT TO
PROVIDE LEGAL ASSISTANCE ON BEHALF OF WEST BERLIN BEING
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ONE OF THE MAJOR POINTS OF CONTENTION. END SUMMARY.

1. FRG JUSTICE MINISTRY STATE SECRETARY GUENTHER ERKEL MET IN EAST BERLIN ON AUGUST 21 WITH GDR JUSTICE MINISTRY STATE SECRETARY HANS RANKE TO BEGIN TALKS PROVIDED FOR IN THE BASIC TREATY AND ITS SUPPLEMENTARY PROTOCOL TO "REGULATE THEIR JUDICIAL RELATIONS AS SIMPLY AND EXPEDIENTLY AS POSSIBLE." MEETING LATER WITH THE PRESS, ERKEL SAID THAT SOME QUESTIONS COULD NOT BE SETTLED IN THE TALKS BECAUSE OF THE BASIC DIFFERENCES IN POINTS OF VIEW, BUT THAT HIS ASSUMPTION WAS THAT BOTH SIDES HAVE AN INTEREST IN THE LEGAL ISSUES BEING SETTLED.

2. A MAJOR STICKING POINT IS THE ISSUE OF LEGAL ASSISTANCE AND BONN'S POSITION THAT WEST BERLIN MUST BE REPRESENTED BY THE FRG IN THIS AREA. IN THE PAST, ERKEL SAID, GDR COOPERATION IN THIS AREA WAS BASED ON EAST BERLIN'S "GOOD WILL" AT THE TIME. BUT THE SITUATION HAD FLUCTUATED SO GREATLY THAT IT WAS CLEAR THAT OPERATING ON THE BASIS OF "GOOD WILL" WAS NOT SUFFICIENT. FOR EXAMPLE, THE GDR ATTITUDE IN THIS AREA HAS RANGED FROM ONE OF COMPLETE COOPERATION TO ONE OF NO REACTION WHATSOEVER TO REQUESTS FOR ASSISTANCE; FROM 1970 UNTIL 1972 THE GDR PROCESSED NO REQUESTS FOR LEGAL ASSISTANCE SENT BY THE FRG. DURING THIS SAME PERIOD, HOWEVER, THE GDR DID ACCEPT AND PROCESS DIRECT REQUESTS FOR LEGAL ASSISTANCE FROM WEST BERLIN. WITH SIGNING OF THE BASIC TREATY, EAST BERLIN DECLARED THAT, AS A SIGN OF ITS GOOD FAITH, IT WOULD BEGIN PROCESSING WEST GERMAN REQUESTS FOR LEGAL ASSISTANCE. CONSEQUENTLY, SINCE OCTOBER 1972, THE GDR HAS PROCESSED SUCH REQUESTS WHEN SENT BY THE JUSTICE MINISTRIES OF THE VARIOUS STATES OF THE FRG.

3. REGARDING REPRESENTATION OF WEST BERLIN BY THE FRG IN THIS MATTER, FRG BONN GROUP REP (BLECH) REPORTED ON AUGUST 23 THAT FRG FIRST REACTION TO GDR POSITION WAS THAT "THEY ARE GOING TO BE AT LEAST AS DIFFICULT AS CZECHOSLOVAKIA." BLECH SAID THAT THE FRG WOULD BE BASING ITS CASE FOR REPRESENTATION ON ANNEX IV A.2.(B) OF THE QUADRIPARTITE AGREEMENT WHICH PROVIDES FOR LIMITED OFFICIAL USE

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EXTENSION TO WSB OF INTERNATIONAL AGREEMENTS AND ARRANGEMENTS ENTERED INTO BY THE FRG.
COMMENT: THE FRG DOES NOT EXPECT EARLY OR EASY MOVEMENT IN THIS SET OF NEGOTIATIONS. THE TALKS WILL RESUME ONLY IN OCTOBER.
HILLENBRAND

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